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SUBJECT: MADRID ENVIRONMENT TIDBITS

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1. Madrid's ESTH Officer periodically groups together and reports ESTH developments that might otherwise "fall below the reporting bar." Key issues will continue to be reported via "stand alone" cables. ESTH Officer Ken Forder welcomes feedback at forderk@state.gov.

2. INDEX:

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A. PRESTIGE OIL SPILL CLEAN UP WINDING DOWN

3. Vice President Maria Teresa Fernandez de la Vega announced that the extraction of the last remaining amounts of oil from the "Prestige," which sank off the Galician coast in November 2002 with 13,000 tons of crude oil aboard, was "practically completed." As a result, de la Vega said the government would soon abolish the "Prestige Commission Office," which had handled the cleanup, and would replace it with a much cheaper permanent "Coordination Center." The new center will direct a working group that will draft an "Integral Contingency Plan" which would be applied after any future similar disaster. In July, the Government appropriated 249.5 million euros to pay for ongoing compensation claims related to the disaster. The Government believes these funds should be sufficient to address the vast majority of outstanding compensation claims. A cabinet document announcing the above measures acknowledged, however, that legal liability battles regarding the Prestige (e.g., a Spanish Government civil suit against ABS, the company that had certified the Prestige's seaworthiness) continue to rage in New York.

B. REGULATORY REGIME CONCERNING OIL SPILL LIABILITIES

4. The Spanish cabinet announced September 10 that several separate government regulations touching upon liability issues related to civil responsibility for damages caused by maritime oil spills would be unified under one Royal Decree Law. These regulations, which date from the 1970s through the 1990s, were generally adopted to bring international instruments into force in Spain. Spain presumably decided, in the aftermath of the Prestige disaster, that its civil liability interests would be better protected if these disparate regulations were harmonized under the rubric of a Royal Decree Law.

C. SHIP BEARING SPANISH HAZARDOUS CARGO "SINKS" OFF TURKEY

5. In a story too long and tangled to fully relate here, on September 6, a Saint Vincent-flagged, Turkish-owned vessel carrying toxic materials from Asturias, Spain to a construction project in Algeria, sank off the coast of Turkey. The cargo was 3,500 metric tons of Spanish origin chromium ash that had been purchased by the French firm Lafarge in 1999 to use in a construction project in Algeria. When the ship arrived off Algeria in 1999, the ash was found to have been contaminated by water and Lafarge refused to take delivery. The Spanish supplier did not want the cargo back, saying it now belonged to Lafarge. The vessel thus went to Turkey, where local authorities refused to let it unload the cargo pending legal resolution of the case. Spain finally agreed in 2004 to take the cargo back, at least temporarily. Three days before the ship was to depart for Spain, it sank, reportedly with only 2,200 metric tons of the ash on board. Sabotage is strongly suspected and it is presumed that the remaining 1,300 metric tons of ash were dumped either on the way from Algeria to Turkey or somewhere

near the vessel's temporary berth in Turkey. Turkish authorities have reportedly prohibited fishing within 200 meters of the site and claim that the cargo has not yet begun to leak. Following an official request from the Turkish Government, Spain's Environment Ministry dispatched two technicians to Turkey to help with clean up efforts. EU Environment Commissioner Margot Wallstrom announced that the EU would not have jurisdiction in the case because "the contamination took place in a third (non EU) country."

1D. CHEMICAL SPILL FOULS CATALAN RIVER

16. A report prepared by Spain's National Science Research Council (CSIC) and the Autonomous University of Barcelona has accused the Spanish "Erkimia" chemical company of illegally dumping over 360,000 tons of toxic waste into the Ebro River. The company denied the charge, noting that its discharges had been correctly treated in accordance with law. The report said that an area of the Ebro equivalent to 10 city blocks had been fouled on its bottom and banks and that the waste was now also rising to the surface. It also noted that as a result of Erkimia's discharges, the Flix reservoir had been contaminated with DDT, 18 tons of mercury, and 60 tons of other heavy metals. The report said the waste was produced in the process of extracting phosphates from animal feeds imported from Morocco. The Environment Ministry said clean up efforts would begin in 2005 and be finished by 2008. The Environment Ministry also appeared to back Erkimia's claims that it had respected the law, noting that the crux of the problem was "long-standing" pollution levels rather than specific Erkimia actions. The report accused the Catalan authorities of having been aware of the problem, without taking action, since 1996.

1E. STATE-FUNDED ENVIRONMENTAL WATCHDOG GROUP TO BE FOUNDED

17. Environment Minister Cristina Narbona announced in August that the Government would soon create an independent, but state-financed, environmental watchdog group charged with producing an annual report evaluating the efficacy of the Government's environmental policies. The report would be released sometime in the first three months of each calendar year, with the first report expected by March of 2005. The group would include private sector experts, NGO representatives, scientists, university representatives, businessmen, and members of local and regional governments. Most financing would come from the Government, but it is hoped that civil society will also help pay the group's operating costs. One of Narbona's top advisors said they were inspired by the EU's "spring report" evaluating the efficacy of the EU's environmental policies.

1F. MADRID'S "GREEN PATROL" HUNTS ENVIRO-CRIMINALS

18. The Environmental Protection Unit of Madrid's municipal police, otherwise known as "the Green Patrol," reported that it filed charges in 110 cases during the course of 2003. The unit, which has 89 members, noted that the total number of charges filed was lower than in previous years, attributing the reduction to greater public understanding of the need to protect the environment. Combating noise pollution was one of the unit's greatest priorities. The unit has installed 21 decibel meters throughout the city and has trained 250 other officers in mediating noise-related disputes between neighbors. It also stopped 1,254 persons in 2003 for driving vehicles whose noise levels exceeded the regulated norm. Most of these vehicles had had their mufflers illegally removed.

1G. WATER PRICES TO RISE

19. Environment Minister Cristina Narbona, hot on the heels of announcing the PSOE's new water management plan (Reftel), announced that the Spanish Government would gradually phase in a policy to have water prices reflect the cost of new (but not existing) water-related infrastructure. The PSOE's water management plan, which emphasizes coastal desalinization plants over its predecessor's river diversion schemes, also puts greater emphasis on water conservation. A gradual increase in water prices, in part to finance the new desalinization infrastructure (20 new plants and the modernization of many existing facilities), should help depress water demand, or at least lower its rate of increase. By 2010, according to Narbona, water prices will reflect the full cost of new water-related infrastructure. The opposition People's Party (PP) predictably attacked Narbona's announcement, noting that the PP's now defunct river diversion scheme included no provisions for increasing water

prices.
ARGYROS